



U.S. DEPARTMENT of STATE

Argentina

Country Reports on Human Rights Practices - [2004](#)

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Argentina is a federal constitutional democracy with an executive branch headed by an elected president, a bicameral legislature, and a separate judiciary. Free and fair presidential elections were held in April 2003; although no candidate gained sufficient votes to win in the first round, former President Carlos Menem withdrew his candidacy before the second round, and President Nestor Kirchner assumed office on May 25, 2003. The Constitution provides for an independent judiciary, but it was often inefficient and at times subject to political manipulation.

The President is the constitutional commander-in-chief, and a civilian Defense Minister oversees the armed forces. Several agencies share responsibility for maintaining law and order. In August, the President returned authority over the Federal Police (PFA), the Border Police, and the Coast Guard from the Ministry of Justice and Human Rights to the Secretary of Security, under the Ministry of Interior. The PFA has jurisdiction in the Federal Capital and over federal crimes in the provinces. Provincial police are subordinate to the provincial governors. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed human rights abuses.

The country is resource rich and has a market-based economy and a population of approximately 36.2 million. Real economic growth was predicted to be 8.2 percent, while consumer price inflation was 6.1 percent. The purchasing power of salaried workers increased more than 3 percent during the year.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were instances of killings and brutality by police and prison officials. Authorities prosecuted some police for such actions, although impunity remained a serious problem. Police corruption was also a problem, although the federal Government and the provincial governments in Buenos Aires and Cordoba removed corrupt police officials. Jails and prisons were often overcrowded. Police sometimes arbitrarily arrested and detained citizens. The judiciary continued to work through the legacy of human rights abuses committed during the "dirty war" of the 1976-83 military regime, and the Supreme Court ruled that crimes against humanity were not subject to statutes of limitations. Anti-Semitism remained a concern despite government efforts to combat it. A Federal Court in Buenos Aires acquitted 22 defendants charged with the 1994 bombing of the Buenos Aires Jewish Community Center. Domestic violence and sexual harassment against women were problems. There were reports of trafficking for sexual exploitation and labor. Child labor was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by the Government or its agents; however, police and prison officers were responsible for killings involving the use of unwarranted or excessive force. The authorities investigated, and, in some cases, detained, tried, and convicted the officers involved.

In early December, the Coordinator against Institutional and Police Repression (CORREPI), an NGO representing the families of the victims of police abuse, estimated that domestic security forces had killed 131 persons in the first 11 months of the year. The Center for Legal and Social Studies (CELS) reported higher numbers: 139 killed between January and June in the Greater Buenos Aires area. CORREPI and CELS numbers included individuals killed in confrontations with security forces during the presumed commission of a crime. A total of 24 Federal and Province of Buenos Aires police officers were killed either in the line of duty or intervening in crimes while off duty as security forces continued to confront the surge in violent crime resulting from high unemployment and poverty levels.

On October 21, three juvenile detainees died in a fire in Buenos Aires in the Quilmes police station under suspicious circumstances. The families claimed that police beat the juveniles before the fire. Nine policemen were suspended and under

investigation.

Policeman Hector Albarracin confessed to the 2003 killing of Patricia Villalba and testified to the involvement of former Santiago del Estero chief of intelligence Musa Azar and policemen Jorge Pablo Gomez and Francisco Mattar in her killing and that of Leyla Bshier Nazar. The trial of these 4 individuals and another 23 defendants charged in the murder of Patricia Villalba was scheduled for March 2005. The killing of Leyla Bshier remained under investigation.

There were no developments in the investigation of the death of Lucas Ricardo Carrizo, a prisoner who was found hanged in his cell in August 2003 in the Ezeiza Penitentiary Complex 1.

The court scheduled March 2005 for the trial of a provincial police chief for the 2002 shooting deaths of demonstrators Dario Santillan and Maximiliano Kosteki. In October, three of nine Federal Police charged in the 2002 beating and drowning of Ezequiel Demonty were found guilty and sentenced to life imprisonment; the other six policemen were sentenced to 3 years in prison.

In early August, a judge in Rosario convicted policemen Esteban Velasquez of homicide for killing Claudio Lepratti during demonstrations in 2001 in Rosario, Santa Fe, and ordered the Province of Santa Fe to compensate Lepratti's family. The Chamber of Deputies' Human Rights Committee initiated an investigation into police actions during that demonstration but did not release any information on its findings.

There were no developments, and none were expected, in the investigation into the 2001 killings of Gaston Galvan and Miguel Burgos. One policeman remained in jail in connection with these killings.

In June, policeman Felipe Gil was acquitted of charges related to the deaths of Jose Zambrano and Pablo Rodriguez in Mendoza Province in 2000. The families appealed the decision citing the judge's alleged mishandling of the case.

On September 2, the 3-judge panel of Federal Oral Court No. 3 in Buenos Aires acquitted all 22 defendants charged in connection with the 1994 terrorist bombing of the Buenos Aires Jewish Community Center (AMIA), in which 85 persons were killed (see Section 2.c.).

Legal efforts continued in a number of European countries, including France, Italy, and Spain, to prosecute those believed responsible for disappearances and killings during the military regime. Judicial authorities planning to prosecute these and other "dirty war" cases traveled to Spain and France to interview witnesses.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

Judicial proceedings and extradition attempts related to killings, disappearances, and torture committed by the 1976-83 military regimes continued (see Sections 1.a. and 1.e.).

The Under Secretariat for Human Rights, which maintained the files of the National Commission on Disappeared Persons, received 9,005 claims for financial compensation from families of those who died or disappeared during the military dictatorship. In October, a judge ordered the Government to pay compensation to a disappeared person's family on grounds that they had been forced into exile.

At the urging of the human rights organization Grandmothers of the Plaza de Mayo, judicial authorities continued to investigate an estimated 250 to 300 cases of kidnapping and illegal adoption by members of the former military regime of children born to detained dissidents. A number of those suspected of crimes linked to illegal adoptions of the children of disappeared persons remained under detention, including Francisco Gomez and his wife and Navy doctor Jorge Luis Magnacco.

Human rights activists continued to pursue "truth trials" intended to correct official records, particularly with regard to the fate of those who disappeared and those born in captivity.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and the Criminal Code provides penalties for torture similar to those for homicide; however, some police and prison guards continued to employ torture and brutality. Human rights organizations described police brutality, the occasional use of torture on suspects, and corruption within the prison and police forces. The Government investigated some past reports of police or prison brutality; however, few cases were tried, and even fewer resulted in convictions.

Prison conditions often were poor. Some facilities were old and dilapidated, and many prisons and jails were overcrowded. Higher crime rates and stricter provisions for early release, combined with a slow judicial system, aggravated overcrowding in

prisons and police stations. A July report by the Center of Legal and Social Studies on Buenos Aires Province claimed that there were more than 5,400 detainees in police station facilities designed for 3,200 and that the number of minors detained had increased significantly. Juvenile detention centers also were overcrowded, which often resulted in holding minors in police station facilities. The overcrowding contributed both to security problems and to mistreatment of prisoners. On October 21, three juvenile detainees died in a fire in Buenos Aires in the Quilmes police station and on November 13, another minor was found hanged in his cell under suspicious circumstances (see Section 1.a.).

On October 28, the Buenos Aires Provincial Memory Commission released a report detailing the overcrowding in the province's prisons, their substandard conditions, the mistreatment, abuse, and torture of prisoners by prison officers, and the lack of investigation and prosecution of prison officials implicated in abuse and other illegal activities. On November 15, Amnesty International (AI) presented a report to the U.N. Committee on Torture that referred to the Government's "inability and lack of political will to close the circle of impunity that exacerbates human rights abuses such as torture in every corner of the country." As an example, AI described a September 8 incident in Mendoza in which nine prisoners caught attempting to escape were repeatedly beaten, denied medical assistance, and kept naked or in their underclothing for several days.

Impunity for corruption, torture, and brutality by prison guards and officials remained a serious problem. Prisoners who filed torture and mistreatment complaints were targeted for torture or killed. Mar del Plata Batan Penitentiary senior officials and guards were under investigation for allegedly torturing Claudio Benavides and other prisoners in May. Additionally, these officials were charged with threatening to kill the prisoners' families if the prisoners filed a complaint against them. The investigating judge stated that he was convinced that this was not an isolated incident but rather reflected ordinary behavior in the penitentiary.

Male and female prisoners were held separately. The law provides that juveniles are to be held separately from adults; however, overcrowding in juvenile facilities often resulted in minors being held in police station facilities, although separated from adult detainees. Despite government regulations prohibiting the practice, reliable reports indicated that pretrial prisoners often were held with convicted prisoners.

The Government permits prison visits by independent human rights observers.

d. Arbitrary Arrest or Detention

The Federal Code of Criminal Procedure limits arrest and detention without warrants to certain restricted situations, for example, criminals caught in the act, fleeing suspects, or overwhelming evidence of a crime being committed, and, while the Government generally observed these prohibitions, provincial police sometimes ignored these restrictions and arbitrarily arrested and detained citizens. In the past, human rights groups reported difficulties in documenting such incidents because victims were reluctant to file complaints for fear of police retaliation or inaction.

In addition to the PFA and Border Police, each province has its own police force. These generally come under a provincial police hierarchy, which in turn responds to a provincial security ministry or secretariat. The effectiveness of and respect for human rights by different forces varied considerably. Corruption was systemic in some forces, and impunity for police abuses was common.

Some of the most common abuses included contract abuses, extortion of and protection for those involved in illegal gambling, prostitution, and auto theft rings, as well as detention and extortion of citizens under the threat of planting evidence to charge them for crimes. Some police also were involved in drug trafficking and kidnapping. Addressing police corruption was difficult, in part, because the suspects intimidated whistleblowing colleagues, judicial officials, and civilian witnesses. Threats and beatings allegedly aimed to intimidate witnesses were common and, in some cases, occurred in connection with killings believed committed by members of security forces or their criminal allies.

Police may detain suspects for up to 10 hours without an arrest warrant if the authorities have a well-founded belief that the suspects have committed, or are about to commit, a crime or if they are unable to determine the identity of a suspect. Human rights groups argued that this provision of law was disregarded to extort money from persons by threatening to charge them with illegal weapons or drug possession.

The law provides for the right of prompt determination of legality, but this right often was not respected in practice.

The law provides for the right to bail, and it was utilized in practice.

Criminal detainees were allowed access to counsel, and public defenders are provided for detainees unable to afford counsel. Lack of resources for the Public Defender's Office resulted in an overly heavy caseload for public defense attorneys. Detainees also were generally allowed prompt access to family members.

The law provides for investigative detention of persons charged with a crime but awaiting or undergoing trial for up to 2 years. This term can be extended to 3 years under certain situations: A particularly complex or serious crime; intentional delays by the defense or if investigations could be hampered by release of the detainee; or if there is serious risk of flight. The slow pace of the

justice system often resulted in lengthy detentions beyond the period stipulated by law (see Section 1.e.). If convicted, a prisoner usually received credit for time already served. According to the Federal Bureau for Criminal Policies, approximately 62 percent of inmates in federal prisons had been charged but were awaiting trial or completion of their trials.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, while the judiciary is nominally independent and impartial, some judges and judicial personnel were inefficient and, at times, subject to, and apt to exercise, political manipulation. There were credible allegations of efforts by members of security forces and others to intimidate the judiciary and witnesses. The system was hampered by inordinate delays, procedural logjams, changes of judges, inadequate administrative support, and incompetence. Judges have broad discretion as to whether and how to pursue investigations, contributing to a sense that many decisions were arbitrary. Allegations of corruption in provincial courts were more frequent than at the federal level, reflecting strong connections between some governors and judicial powers in their provinces.

The judicial system is divided into federal and provincial courts, each headed by a Supreme Court with chambers of appeal and section courts below it. The federal courts are divided between the criminal courts and economic courts.

The Council of Magistrates submits a slate of candidates for each federal judicial vacancy to the President, whose selection is subject to Senate approval. The Council also conducts impeachment hearings of judges and administers the federal court system. In October, there were 187 vacant positions and 65 slates awaiting congressional action and 120 pending appointments by the executive.

Investigations of a number of Supreme Court justices by the Chamber of Deputies' Impeachment Committee continued, resulting in the resignation in September of Justice Adolfo Vasquez. This action followed the 2003 impeachment of Justice Eduardo Moline O'Connor and the resignations of Justices Julio Nazareno and Guillermo Lopez. On December 16, the Chamber of Deputies accused Justice Antonio Boggiano of improper performance of duties and sent the case to the Senate, which was expected to consider the case for impeachment early in 2005.

Trials are public, and defendants have the right to legal counsel and to call defense witnesses. A panel of judges decides guilt or innocence. Federal and provincial courts continued the transition to oral trials in criminal cases, replacing the old system of written submissions. Although the 1994 Constitution provides for trial by jury, implementing legislation has not been passed. Lengthy delays in trials were a problem. There is a provision for counsel for indigents; however, in practice, counsel may not always be provided due to a lack of resources. Suspects other than minors are presumed innocent, and defendants have the right to appeal, as do prosecutors.

There is a military court system. Only military personnel are subject to its jurisdiction.

In August, the Supreme Court upheld the principle of non-applicability of statutes of limitations to war crimes and crimes against humanity in the case of former Chilean intelligence agent Enrique Anacibia Clavel, charged with the 1974 Buenos Aires murder of Chilean General Carlos Prats and his wife.

Judge Claudio Bonadio's investigation into the kidnapping and killing of exiled Montonero guerrillas upon their return to the country from Chile in 1979-80 ended without any indictments. The former Montonero leaders under investigation filed suit against Bonadio for unlawful detention. Judge Rodolfo Canicoba Corral's investigation into cooperation among military and security officials of six countries as part of "Operation Condor" continued.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, and the Government generally respected these prohibitions in practice.

The law provides the PFA with search, seizure, and entry powers without a court order in cases of danger.

The law provides for legislative oversight of government intelligence activities and prohibits unauthorized interception of private communications; however, in practice, the legislative oversight has yet to be effectively applied.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom.

The independent media were active and expressed a wide variety of views without restriction. A number of independent newspapers and magazines published freely, and all print media were owned privately. Privately owned radio and television stations broadcast freely. The Federal Government owned the Telam wire service, a radio network, and a television station. A few provincial governments also owned broadcast media.

Some sources cited an increased tendency by national and provincial government agencies to withhold advertising to manipulate media coverage. The Inter American Press Association expressed concern regarding legal and other actions taken in August by the Neuquen Province government against the Rio Negro newspaper, allegedly in reprisal for the newspaper's editorial policy against revealing sources. Concerns also were raised about the degree to which major print media, subject to severe financial constraints, exercised self-censorship in their criticism of the Government in exchange for favorable government treatment of debts and allocation of official advertising.

The Government did not restrict Internet access.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. Although most protests and demonstrations were peaceful, there was an increase in violent demonstrations and confrontations with security forces, resulting in injuries and arrests. Security forces occasionally used rubber bullets but more often used tear gas and water cannons to disperse unruly demonstrators.

Demonstrators were detained in several instances, leading to charges that the Government was criminalizing protests. Agitators reportedly often inserted themselves into otherwise peaceful demonstrations to provoke confrontations with the police. An appeals court upheld the decision that police officer Jose Antonio Aleman should stand trial in the death of Marcelo Luis Cuellar, killed during a November 2003 demonstration in Jujuy Province.

The court set a March 2005 trial date for three Buenos Aires provincial police accused of killing two demonstrators in 2002 (see Section 1.a.).

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution states that the Federal Government "sustains the apostolic Roman Catholic faith," and the Government provided the Catholic Church with a variety of subsidies. Other religious faiths were practiced freely.

The Secretariat of Worship in the Ministry of Foreign Relations, International Trade, and Worship is responsible for conducting the Government's relations with the Catholic Church, other Christian churches, and other religious organizations. Religious organizations that wish to hold public worship services and obtain tax-exempt status must register with the Secretariat and report periodically to maintain their status.

Acts of discrimination and vandalism against religious minorities, particularly the Jewish and Muslim communities, continued. Combating this and other forms of intolerance was a priority for the National Institute against Discrimination, Xenophobia, and Racism (INADI). The Government continued to support a public dialogue to highlight past discrimination and to encourage improved religious tolerance. There were a number of reports of anti-Semitic acts and of threats against Jewish organizations and individuals during the year. Jewish organizations reported their continued concern but noted that there was no increase in incidents from the previous year. The most frequent incidents included anti-Semitic and pro-Nazi graffiti and posters in cities throughout the country and the proliferation of anti-Semitic publications in bookshops, as well as vandalism in the Israeli Cemetery of Ciudadela, on the outskirts of Buenos Aires.

The Supreme Court's investigation into the 1992 bombing of the Israeli Embassy in Buenos Aires remained at a virtual standstill. On September 2, the 3-judge panel of Federal Oral Court No. 3 acquitted all 22 defendants charged in connection with the 1994 terrorist bombing of the AMIA, in which 85 persons were killed. The panel faulted the investigation of the original judge and prosecutors and called for an investigation into the handling of the investigation and trial. Criminal Judge Rodolfo Canicoba Corral reconfirmed the validity of international arrest warrants against 12 Iranian nationals (including the former Iranian ambassador to Argentina at the time of the attack) and 1 Lebanese national implicated in the attack.

For a more detailed discussion, see the [2004 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2004/41746.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution and laws provide for these rights, and the Government generally respected them in practice.

The law prohibits forced exile, and it was not used.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In April 2003, presidential elections were held with no candidate receiving sufficient votes to win outright. Before a runoff could be held, former President Carlos Menem withdrew his candidacy, and, according to constitutional procedures, Nestor Kirchner was declared the winner and assumed the Presidency in May 2003.

The Government continued to pursue anti-corruption measures. Supreme Court justice Adolfo Vasquez, accused of malfeasance in office, resigned in the face of ongoing impeachment proceedings in the National Legislature (see Section 1.e.). The Chamber of Deputies voted to send the impeachment case of another Supreme Court justice facing the same charges to the Senate for determination. Prosecutions of a number of former government officials accused of corruption continued. Further firings of large numbers of federal and provincial police officials also continued in efforts to clean up the security forces.

In March, the Government established a federal trusteeship in the Province of Santiago del Estero following a long accumulation of accusations of corruption and abuses by provincial authorities, culminating in the February 2003 killings of two young women and a subsequent cover-up (see Section 1.a.). Governor Mercedes Aragonés de Juárez and her 5-time governor husband Carlos Juárez were under arrest facing numerous charges.

A 2003 National Decree provided regulations to increase public access to government information within the federal executive branch and public institutions. The Senate initiated a television program to transmit sessions live, and the Chamber of Deputies' website provided information on schedules and agendas for committee meetings. The Supreme Court makes public all its decisions, both judicial and administrative.

Surveys conveyed conflicting pictures of the perceived levels of corruption in the country. Transparency International's 2004 Corruption Perceptions Index, based on polls of international businessmen and country analysts, rated the country as beset by widespread corruption. According to a survey conducted by international consulting firm KPMG, opinion leaders, including business executives, academics, and government bureaucrats, felt that corruption in the country had significantly lessened over the past several years.

The Constitution affirms that political parties are fundamental institutions of the democratic system and calls on political parties to implement measures to increase women's representation in elective office. Decrees provide that one-third of the members of both houses of Congress must be women, a goal achieved through balanced election slates. There were 31 women in the 71-seat Senate and 87 women in the 255-seat Chamber of Deputies. The Minister of Social Development was the only woman in the cabinet. There were two female Supreme Court justices, and women were prominent in other levels of the judiciary.

There were no known indigenous, ethnic, or racial minorities in the national legislature, the cabinet, or the Supreme Court.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. The Government usually was cooperative, although not always responsive to their views.

Among the most active human rights organizations were the Grandmothers of Plaza de Mayo, the Mothers of Plaza de Mayo Founding Line, the Center for Legal and Social Studies, the Permanent Assembly for Human Rights, Service for Peace and Justice, Coordinator Against Police and Institutional Repression, and New Rights of Man.

Within the Government, the Ministry of Justice and Human Rights' Under Secretariat for Human Rights addresses human rights concerns at a domestic level. The Directorate General of Human Rights of the Ministry of Foreign Relations is responsible for international human rights issues. The Ministry of Foreign Relations and the Ministry of Justice and Human Rights cooperated with international human rights entities.

The Constitution establishes the Office of the Ombudsman (Defensor del Pueblo de la Nación), an independent and autonomous institution charged with defending and protecting human rights and other rights and interests provided by the Constitution, and with oversight of the exercise of public administration functions. The Ombudsman's office produces an annual report to Congress, which includes reports on human rights, administration of justice, social action, and the status of women, children, and minorities.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution and law provide for equal treatment for all citizens, and the Government generally enforced this provision in practice. The law provides for prison terms of up to 3 years for discrimination based on race, nationality, ideology, political opinion, sex, economic position, social class, or physical characteristics.

The INADI, which is mandated to identify and combat all forms of intolerance in the country, investigated violations of the anti-discrimination law and carried out research and educational programs to promote social and cultural pluralism and combat discriminatory attitudes.

Women

Domestic violence and sexual harassment against women were recognized as serious societal problems. The Inter American Development Bank estimated that 25 percent of women were victims of violence.

Any person suffering physical or psychological domestic violence by a family member may file a formal complaint with a judge or police station, and the Law on Protection Against Family Violence gives a family court judge the right to prevent the perpetrator of a violent act from entering the victim's home or workplace. Charges may also be brought in criminal court, which may apply corresponding penalties.

Public and private institutions offered prevention programs and provided support and treatment for abused women, but there was little transitory housing. The Buenos Aires municipal government operated a small shelter for battered women and a 24-hour hotline offering support and guidance to victims of violence; however, few other shelters existed.

Nongovernmental organizations (NGOs) working in the area of women's rights stressed that women often did not have a full understanding of their rights or of what actions could be considered punishable offenses. In addition, there was a great disparity between urban centers and rural areas with respect to women's awareness of and access to equal rights.

Reliable statistics of rape were not available. Rape falls under the Law of Crimes Against Sexual Integrity. Marital and acquaintance rape involving force are offenses under the law; however, the need for proof, either in the form of clear physical injury or the testimony of a witness, often presented problems. The penalties for rape vary from 6 months to 20 years in prison.

Soliciting for prostitution is generally illegal but did occur. Some women were trafficked to the country for prostitution (see Section 5, Trafficking).

Sexual harassment occurred, but few complaints were lodged, likely due to a lack of information on existing legal protections. No federal law expressly prohibits sexual harassment. The city of Buenos Aires and the provinces of Buenos Aires, Jujuy, and Tucuman have anti-harassment legislation.

Women enjoyed equality under the law, including property rights; however, women encountered economic discrimination and occupied a disproportionate number of lower paying jobs. Often women were paid less than men for equivalent work, a practice explicitly prohibited by law. Approximately 70 percent of women employed outside the home worked in non-skilled jobs, although the number of women with university degrees was 7.2 percent higher than men. Women accounted for 57 percent of university enrollment, and the law bans all acts that would hinder the access or continuity of the studies for pregnant or nursing students. Approximately 46 percent of women employed outside the home did not have social security or contribute to pension funds.

The National Council of Women carried out programs to promote equal social, political, and economic opportunities for women. The Special Representative for International Women's Issues, a unit in the Ministry of Foreign Relations, participated in studying domestic law standards so as to adapt them to the rules of international law. That office and the National Council of Women, together with the Ministry of Labor and union and business organizations, formed the Tripartite Committee on Equal Opportunity for Men and Women in the Workplace, which sought to foster equal treatment and opportunities for men and women in the job market.

Other active women's rights groups included the Women's Social and Political Institute, the Women's Research and Study Institute, and the Foundation for Women's Equality.

Children

The Government voiced strong commitment to issues of children's rights and welfare, including education and health; however, budgetary restrictions for many programs continued. National, provincial, and local agencies worked with international agencies, including UNICEF, to promote children's welfare.

Education is free, universal, and compulsory for 10 years, beginning at age 5; however, adequate schooling was unavailable in some rural areas. The 2001 census showed that 98 percent of all children of primary school age attended school, with

approximately the same percentages for both genders. The average child attended school up to the age of 16.3.

There were numerous federal and provincial health care programs for boys and girls on basis of equal access, although not all children had access to them.

Child abuse and prostitution continued to occur, but there was progress in some areas. In 2003, the Council for the Rights of Girls, Boys, and Adolescents, which operated a hotline and a network of neighborhood defenders offices to assist victims in the city of Buenos Aires, intervened in 38 cases of reported child commercial sexual exploitation and 2,926 cases involving violence against a child. In conjunction with other agencies and organizations, such as UNICEF, the council also conducted active educational and awareness raising efforts. Prosecutors and police pursued cases of Internet child pornography and sought additional legal tools to confront such cybercrime.

Child labor was a problem (see Section 6.d.).

Trafficking in Persons

The law prohibits trafficking in persons for the purpose of prostitution through fraud, intimidation, or coercion, or in the case of minors; however, trafficking occurred. The law also prohibits alien smuggling, indentured servitude, and similar abuses. Other laws, including a December 2003 migration law, also may be used to prosecute crimes associated with trafficking, such as kidnapping, forced labor, use of false documents, and prostitution. Penalties for trafficking ranged from 3 years to 15 years in prison.

Coordination of trafficking detection and anti-trafficking prosecution efforts improved. The Government convened a number of interagency coordination meetings, participated in regional anti-trafficking workshops and conferences, and, late in the year, identified the Federal Office of Victim Assistance, a unit under the Federal Prosecutor's office, as the lead agency for coordinating anti-trafficking. The country's law enforcement officers lacked a clear mandate from political leaders and resources to pursue aggressively domestic and international traffickers; however, the Government made efforts to improve its effectiveness in combating trafficking. Three traffickers were convicted and received sentences of 3 to 4 years' imprisonment; 10 other trafficking-related cases were pending.

The country was primarily a destination for men, women, and children trafficked for sexual exploitation and labor. Most foreign victims were women and children trafficked from Paraguay, Bolivia, and Brazil. Victims within the country were trafficked from rural to urban areas. Bolivians were trafficked into the country for forced labor.

Trafficking victims generally were found in situations of prostitution, but there were also cases of other forms of forced labor, such as work in illegal textile factories. Traffickers may confiscate travel documents, which prevented victims from appealing to authorities for protection. Victims, particularly women and girls in prostitution, may be denied contact with the outside world. Victims were often threatened or beaten.

There were no allegations of federal government official involvement in trafficking, and local police and officials suspected of involvement were investigated and prosecuted.

Although the country lacks a comprehensive nationwide policy of victim assistance, the city of Buenos Aires, in particular, assisted dozens of victims, and police department staffs in outlying areas included psychologists to aid victims and witnesses. Some victims qualified for federal government assistance, but most provincial officials were not trained to identify or help victims of trafficking specifically. The Ministry of Foreign Relations began to train consular officials to assist victims abroad, but no data were yet available on the number of possible victims helped. The Catholic Oblate Sisters assisted victims, offering such help as emergency shelter and counselling.

Trafficking victims normally were not detained, jailed, or deported, although some who were arrested for prostitution-related crimes may be jailed or deported.

The Government did not have a comprehensive policy to prevent trafficking, but isolated preventive measures were in place. The Government made efforts to improve its effectiveness in combating trafficking, notably in the city of Buenos Aires, where the Government established a network to conduct information campaigns, outreach, and child victim identification. In addition, the Government participated in an International Labor Organization (ILO) project to prevent and eliminate commercial sexual exploitation of children in the border region with Brazil and Paraguay.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, and the provision of other state services and mandates access to buildings for persons with disabilities; however the Government did not effectively enforce these rights in practice.

Laws mandating greater accessibility to buses and trains for persons with disabilities were not enforced fully. The Coordinator

Committee for the Defense of Disabled People's Rights, composed of governmental and nongovernmental members, focused on accessibility in urban transportation for persons with disabilities and presented a complaint against the Secretariat of Transportation for non-compliance with existing regulations. No effective action was taken.

NGOs and special interest groups claimed accessibility laws and an employment quota reserving 4 percent of national government jobs for persons with disabilities often were not respected in practice. They noted that the law provided no deadlines or penalties and was not mandatory for the provinces. In October, the Buenos Aires City Legislature passed a law reserving 5 percent of city jobs for persons with disabilities. The law imposes a 5-year deadline for compliance.

Indigenous People

The Constitution recognizes the ethnic and cultural identities of indigenous people and states that Congress shall protect their right to bilingual education, recognize their communities and the communal ownership of their ancestral lands, and allow for their participation in the management of their natural resources; however, in practice, indigenous people did not participate in the management of their lands or natural resources. The National Institute of Indigenous Affairs is the government agency responsible for implementing these provisions.

The principal indigenous groups--the Kollas in Salta and Jujuy, the Mapuches in the Patagonian provinces, and the Wichis and Tobas in the northern provinces--were believed to represent less than 5 percent of the national population. Estimates of the number of indigenous persons varied widely, with the Association of Indigenous Communities estimating between 4 to 5 million, and the last official census indicating 1.75 million.

Poverty rates were higher than average in areas with large indigenous populations. Indigenous people had higher rates of illiteracy, chronic disease, and unemployment. Government efforts to offer bilingual education opportunities to indigenous people continued to be hampered by a lack of trained teachers.

Individuals of indigenous descent from the northern part of the country, as well as from Bolivia, Peru, and other Latin American countries, reportedly were subjected frequently to verbal insults because of their dark skin.

Some communities were involved in land disputes with provincial governments and private companies, particularly over questions of natural resource extraction, pollution, and road construction. In June, a Mapuche family in the Province of Chubut was acquitted on charges of unauthorized appropriation of lands, although the family lost its claim to the land in question. Compania de Tierras Sud Argentino brought the suit before civil and criminal courts. Atilio Curinnaco, a member of the accused family, claimed an ancestral entitlement to the lands.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to form "free and democratic labor unions, recognized by simple inscription in a special register," and workers exercised this right. With the exception of military personnel, all workers were free to form unions. An estimated 35 percent of the work force was organized. Trade unions were independent of the Government and political parties.

Labor groups not affiliated with the General Confederation of Labor contended that the Professional Associations Law provision for legal recognition of only one union per sector conflicts with ILO Convention 87.

The law prohibits antiunion discrimination and requires employers to reinstate workers illegally dismissed for union-related activities.

b. The Right to Organize and Bargain Collectively

The Constitution provides unions with the right to negotiate collective bargaining agreements and to have recourse to conciliation and arbitration. The Ministry of Labor, Employment, and Social Security ratifies collective bargaining agreements, which cover roughly three-fourths of the formally employed work force. According to the ILO, the ratification process impedes free collective bargaining because the Ministry not only considers whether a collective labor agreement contains clauses violating public order standards but also considers whether the agreement complies with productivity, investment, technology, and vocational training criteria. However, there were no known cases during the year when the Government refused to approve any collective agreements under the above criteria.

The Constitution provides for the right to strike, and workers exercised this right. Numerous small-scale strikes generally protested sector-specific problems.

There are three functioning export processing zones with many others legally registered but not active. The same labor laws apply within these zones as in all other parts of the country.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

Child labor was a problem, and the Government continued its effort to develop and implement a national plan of action to eliminate it.

The Law on Labor Contracts sets the minimum age for employment at 14 years, and, in rare cases, the Ministry of Education may authorize a younger child to work as part of a family unit. Children between the ages of 14 and 18 may work in a limited number of job categories and for limited hours if they have completed compulsory schooling, which normally ends at 15. The penalty for employing underage workers ranged from \$350 to \$1,750 (1,000 to 5,000 pesos) for each child employed.

In 2002, the most recent year for which data was reported, the Ministry of Labor estimated that 7.1 percent of children ages 5 to 14 worked. In June, the National Commission for the Eradication of Child Labor (CONAETI) estimated that up to 1.5 million children, or 23 percent of the child population under the age of 15, worked in some capacity. The rate was believed to be higher in rural areas.

Child labor in urban zones increased following the 2001 economic crisis and included such work as trash recycling, street sales, domestic labor, and food preparation. Children also were involved in prostitution, sex tourism, and drug trafficking, although firm statistics were unavailable (see Section 5).

CONAETI worked with unions and other groups to train rural child labor monitors, and with provincial authorities in the tri-border area to undertake activities to address child sexual exploitation. The program director in Puerto Iguazu had received approximately 60 reports of child sex exploitation and, at year's end, was working with 15 minor girls and their families to provide counseling and to get the girls back into school.

e. Acceptable Conditions of Work

The monthly national minimum wage increased from \$105 to \$150 (300 to 450 pesos); however, it still did not provide a decent standard of living for a worker and family. Most workers in the formal sector earned significantly more than the minimum wage.

Federal labor law sets standards in the areas of health, safety, and hours. The maximum workday is 8 hours, and the maximum workweek is 48 hours. Overtime payment is required for hours worked in excess of these limits. The law also sets minimums for periods of rest and paid vacation. However, laws governing acceptable conditions of work were not enforced universally, particularly for workers in the informal sector who constituted an estimated 40 percent of the workforce.

The law requires employers to insure their employees against accidents at the workplace and when traveling to and from work. Workers have the right to remove themselves from dangerous or unhealthy work situations without jeopardy to continued employment. However, workers who leave the workplace before it has been proven unsafe risk being fired; in such cases, the worker has the right to judicial appeal, but the process can be very lengthy.